

Draft Rule - Smoke Management

Version 2 - 4/25/06

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Elements of an Enhanced smoke management programs for visibility (Source *Western Regional Air Partnership Policy on Enhanced Smoke Management Programs for Visibility* November 12, 2002, located at http://www.wrapair.org/forums/fejff/documents/esmptt/policy/030115_ESMP_Policy.pdf)

1. **Actions to minimize emissions from fire** - any burning techniques that reduce the actual amount of emissions produced.
2. **Evaluation of smoke dispersion** – Using meteorological conditions to assess the ability to minimize smoke impacts.
3. **Alternatives to fire** – any method of removing or reducing fuels by mechanical, biological or chemical treatments.
4. **Public notification of burning** – Any method that communicates burn information to the burn community, to air regulators and to the general public. Also includes public education and media relations.
5. **Air quality monitoring** – Observations and/or equipment that enable an assessment of air quality impacts of smoke from fires.
6. **Surveillance and enforcement** – an oversight mechanism that assures adherence to smoke management efforts as defined by the regional haze implementation plan.
7. **Program evaluation** – A mechanism to assess the adequacy of the enhanced smoke management program in meeting the requirements of the Rule.
8. **Burn authorization** – The management approach used to facilitate burn decision-making
9. **Regional coordination** – Communication and information sharing across state/tribe jurisdictional lines.

These are the sections that can be used to meet the requirement of 40CFR51.308(d)(3)(v)(E).

006. GENERAL DEFINITIONS.

754. Prescribed Fire Management Burning. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)

- a. Fire hazard reduction; (5-1-94)
- b. The control of pests, insects, or diseases; (5-1-94)
- c. The promotion of range forage improvements; (5-1-94)
- d. The perpetuation of natural ecosystems; (5-1-94)
- e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
- f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
- g. Other accepted natural resource management purposes. (5-1-94)

943. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

954. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location,

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amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

600. RULES FOR CONTROL OF OPEN BURNING.

The purpose of Sections 600 through 617 is to reduce the amount of emissions and minimize the impact of open burning to protect human health and the environment from air pollutants resulting from open burning **as well as reduce the visibility impairment in mandatory Class I federal areas in accordance with Section XXX. Reasonable Progress Goals.** ~~(3-21-03)~~()

601. FIRE PERMITS, HAZARDOUS MATERIALS, AND LIABILITY.

Compliance with the provisions of Sections 600 through 617 does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning. (3-21-03)

602. NONPREEMPTION OF OTHER JURISDICTIONS.

The provisions of Sections 600 through 617 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions. (3-21-03)

603. GENERAL RESTRICTIONS.

01. Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through 617 and the materials burned do not include any of the following: (3-21-03)

- a.** Garbage, as defined in Section 006. (3-21-03)
- b.** Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616. (3-21-03)
- c.** Motor vehicles, parts, or any materials resulting from a salvage operation. (3-21-03)
- d.** Tires or other rubber materials or products. (3-21-03)
- e.** Plastics. (3-21-03)
- f.** Asphalt or composition roofing or any other asphaltic material or product. (3-21-03)
- g.** Tar, tar paper, waste or heavy petroleum products, or paints. (3-21-03)
- h.** Lumber or timbers treated with preservatives. (3-21-03)
- i.** Trade waste, as defined in Section 006, except as specifically allowed under Sections 600 through 617. (3-21-03)
- j.** Insulated wire. (3-21-03)
- k.** Pathogenic wastes. (3-21-03)
- l.** Hazardous wastes. (5-1-94)

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02. Air Pollution Episodes. No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in accordance with Sections 550, through 562. (3-21-03)

03. Emergency Authority. In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety. (3-21-03)

604. -- 605. (RESERVED).

606. CATEGORIES OF ALLOWABLE BURNING.

The purpose of Sections 606 through 617 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 617 is subject to all of the provisions of Sections 600 through 605. (3-21-03)

607. RECREATIONAL AND WARMING FIRES.

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues), or small fires set for handwarming purposes, are allowable forms of open burning. (3-21-03)

608. WEED CONTROL FIRES.

Open outdoor fires used for the purpose of weed abatement such as along fence lines, canal banks, and ditch banks is an allowable forms of open burning. (5-1-94)

609. TRAINING FIRES.

Fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training facilities shall notify the Department prior to igniting any training fires. Training fires shall not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j. (3-21-03)

610. INDUSTRIAL FLARES.

Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. Industrial flares are subject to permitting requirements in Sections 200 through 223. (3-21-03)

611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES.

01. Fires Allowed. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met: (5-1-94)

a. No scheduled house to house solid waste collection service is available; and (5-1-94)

b. The burning is conducted on the property where the solid waste was generated. (5-1-94)

02. Fires Exempt. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year. (5-1-94)

612. LANDFILL DISPOSAL SITE FIRES.

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The use of fires for the disposal of solid waste at any solid waste landfill disposal site or facility is an allowable form of open burning only if conducted in accordance with IDAPA 58.01.06, "Solid Waste Management Rules and Standards" or the Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code. (3-21-03)

613. ORCHARD FIRES.

The use of heating devices to protect orchard crops from frost damage and the use of fires to dispose of orchard clippings are allowable forms of open burning when the following provisions are met: (3-21-03)

01. Open-Pot Heaters. The use of stackless open-pot heaters is prohibited. (5-1-94)

02. Heating Device Opacity. Orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall not be used. Opacity shall be determined by the procedures contained in Section 625. (3-21-03)

03. Heating Device Emissions. All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 613. (3-21-03)

04. Orchard Clippings. The open burning of orchard clippings shall be conducted on the property where the clippings were generated. (5-1-94)

614. PRESCRIBED BURNING.

The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met. (5-1-94)

01. Burning Permits or Prescribed Fire Plans. (5-1-94)

a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke. (5-1-94)

b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning. (5-1-94)

02. Smoke Management Plans for Prescribed Burning. (5-1-94)

a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning. (5-1-94)

b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616. (5-1-94)

03. Rights-Of-Way Fires. The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules. (5-1-94)

615. DANGEROUS MATERIAL FIRES.

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Fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning.

(3-21-03)

616. INFECTIOUS WASTE BURNING.

Upon the order of a public health officer, fires used to dispose of diseased animals or infested material are an allowable form of open burning and exempt from Subsection 603.01.k.

(3-21-03)

617. CROP RESIDUE DISPOSAL.

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with the Smoke Management and Crop Residue Disposal Act, Chapter 48, Title 22, Idaho Code, and the rules promulgated pursuant thereto, IDAPA 02.06.16, "Crop Residue Disposal Rules".

(3-21-03)